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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

11 Darla Padgett, et al., NO. C 04-03946 JW  
12 Plaintiffs,  
13 v.  
14 Brian Loventhal, et al.,  
15 Defendants.  
16 /

**ORDER OVERRULING DEFENDANTS'  
OBJECTION AND ADOPTING  
DISCOVERY ORDERS TWENTY-  
THREE AND TWENTY-FOUR**

17 The parties are currently working through the Special Master to disclose to Plaintiffs certain  
18 documents found on Defendants' hard drives. The Special Master has been given authority to  
19 establish a procedure for identification and disclosure of privileged documents for the Court's  
20 review. (See Docket Item No. 306.)

21 The Special Master recently issued Discovery Orders Twenty-Three and Twenty-Four. Both  
22 orders involve the Bates numbering of Defendants' electronic documents.<sup>1</sup> The Special Master  
23 ordered Plaintiffs' expert to add Bates numbers to those document. Defendants were ordered to pay  
24 the cost of this procedure. (See Docket Item Nos. 485, 488.)

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28 <sup>1</sup> (Recommended Discovery Order No. 23, hereafter, "RDO23," Docket Item No. 485;  
Recommended Discovery Order No. 24, hereafter, "RDO24," Docket Item No. 488.)

1 Before the Court is Defendants' Objection to Discovery Orders Twenty-Three and Twenty-  
2 Four.<sup>2</sup> Defendants contend that they have already Bates numbered the documents and that  
3 renumbering is unnecessary. (Objection at 1.) The Special Master considered Defendants'  
4 contention, but concluded that Bates stamping by Plaintiffs' expert "will be the surest method to  
5 avoid any confusion in the identification of documentary evidence and, in addition, should facilitate  
6 presentation of documentary evidence at time of trial using the court's systems." (RDO24 at 2.)  
7 Since the issue of Bates numbering is properly within the Special Master's discretion and nothing in  
8 Defendants' objection suggests an abuse of that discretion, the Court adopts Discovery Orders  
9 Twenty-Three and Twenty-Four.

10 Accordingly, the Court OVERRULES Defendants' objection.

12 || Dated: March 3, 2008

**JAMES WARE**  
United States District Judge

<sup>2</sup> (Defendants' Objections and Request or District Court to Reconsider Special Master's Discovery Order Nos. 23 and 24, hereafter, "Objection," Docket Item No. 490.)

**United States District Court**

For the Northern District of California

1   **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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5

6   **Dated: March 3, 2008**

7   **Richard W. Wieking, Clerk**

8   **By: /s/ JW Chambers**  
9   **Elizabeth Garcia**  
9   **Courtroom Deputy**

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